Report of the Special Rapporteur on the human rights of internally displaced persons on his mission to the Philippines: comments by the State*

RESPONSES OF THE GOVERNMENT OF THE PHILIPPINES TO THE REPORT OF THE UNITED NATIONS SPECIAL RAPPORTEUR ON THE HUMAN RIGHTS OF INTERNALLY DISPLACED PERSONS CHALOKA BEYANI ON HIS VISIT TO THE PHILIPPINES ON 21-31 JULY 2015

I. Introduction

In 2015, the Philippine Government sent its invitation to the UN Special Rapporteur on the rights of internally displaced persons (IDP) Prof. Chaloka Beyani to conduct a country visit to the Philippines on 21-31 July 2015. An inter-agency body, led by the Department of Social Welfare and Development (DSWD) in coordination with the Department of Foreign Affairs, Presidential Human Rights Committee, National Disaster Risk Reduction and Management Council-Office of Civil Defense, Armed Forces of the Philippines, Department of Interior and Local Government, Philippine National Police, Department of Public Works and Highways, Department of Transportation and Communications, National Housing Authority, Department of Education and Department of Health, organized the preparations and actual visit of Special Rapporteur Beyani.

Prior to the official visit and in accordance to the Code of Conduct and Working Methods of the Special Procedures, the Philippine Government and the UNSR mutually agreed to an official program itinerary. It was unfortunate, however, that the guidelines on Field Visits (Article 11) were violated when, at the last minute, the UNSR decided not to follow the mutually-agreed itinerary without informing the Philippine Government. The Philippines is of the view that the action was unilaterally and arbitrarily decided and did not conform to the aforementioned Code of Conduct and Working Methods.

The UNSR and his team put the State Party at risk during his continued attempts to evade the presence of Philippine government officials assigned to accompany him during the visit. The State Party views its responsibility of securing the safety of the UNSR paramount while in Philippine territory, especially when visiting areas that has or continue to experience armed conflict.

Furthermore, the Philippine Government has noted the UNSR's use of unverified accounts in his report without giving due process to the State Party to verify his statements, even in his exit conference with officials of the State Party. Despite the State Party's attempts to provide him with context during the exit conference, the UNSR chose to rely on accounts provided by third party sources. This naming and shaming strategy is hardly befitting the trademark of a rapporteur who had committed to constructively engage with the State Party at the onset of his visit.

Despite these state of events, the Philippine Government recognizes the technical expertise and insights provided by the UNSR and looks forward to engaging with the

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rapporteur to further improve the conditions of internally displaced persons in the Philippines.

II. The context of displacement in the Philippines

The accompanying risks of being situated in a geological and atmospheric disaster-prone area in the region are of paramount concern to the Philippines. As a result of the Philippine Government's efforts, the Asian Development Bank (ADB) and the World Bank (WB) both recognized the reconstruction of the affected communities devastated by Typhoon Haiyan. ADB and WB favorably compared the speed and quality of the Philippines' efforts with the Aceh Tsunami and Typhoon Katrina rehabilitation programs.

(Para 4) Aside from hydro and meteorological disasters, the Philippines has been dealing with armed conflict for the past 40 years, including a Muslim secessionist movement and a communist insurgency affecting various provinces in the country. Further adding to the effects of armed conflict in southern Philippines is Rido, a Maranao term used to refer to feuds between clans and families and is characterized by sporadic outbursts of retaliatory violence between families and communities, resulting in damage to property, slow growth in the economy and displacement of families.

(Para 5)The Philippines acknowledges the figures cited by the Internal Displacement Monitoring Centre. However, domestic mechanisms established by agencies responsible for disaster risk reduction and welfare identify internally displaced persons (IDP) asindividuals or groupsthat have involuntarily moved from their places of origin for protracted periods as a result of war and armed conflict caused by secessionism, insurgency or terrorism, generalized situations of violence and natural disasters to a safer ground. Groups displaced for a short period of time are called "affected populations" to help the Government identify and adapt to different needs.

(Para 6) The National and Local Government are cognizant of displaced persons living with sponsor families, especially traditional indigenous peoples who choose not to avail of evacuation center services. To address this situation, designated on-the-ground groups from local government units gather data on affected populations living outside evacuation centers. As soon as evacuation sites are closed, the Philippine Government begins implementing its "early recovery" efforts.Early recovery initiatives include: Continuing Relief Assistance, Food for Work/Cash for Work Projects (AO No. 15, series of 2008), Emergency Shelter Assistance (ESA), transitional shelters and restoration of damaged facilities. The Philippine Government undertakes response interventions in accordance with the situation on the ground and the protection requirements of disaster workers and IDPs.

At the onset of disasters, DSWD identifies and assesses the needs of families in affected areas whether they be living inside or outside evacuation centres, and provides services using the Disaster Assistance and Family Access Cards (DAFAC). Each DAFAC also shows a record of services provided by different agencies.

Families in transitional sites are provided with "continuing relief assistance' while they wait for permanent relocation.

(Para 7) Using the country's experiences with different disasters, the Philippine government was able to enhance the data collection of affected families through the use of DAFAC and the National Household Targeting System for Poverty Reduction (NHTS-PR). The NHTS-PR is an information management system that identifies who and where the poor are in the country and makes available to national government agencies and other social protection stakeholders a database of poor households, especially during disasters.

While there is a challenge to track displacement patterns caused by protracted displacement, there are existing mechanisms utilized by local government units whichserve as standard operating procedures in times of conflict and resulting displacement.

In the Autonomous Region of Muslim Mindanao (ARMM), affected families are supported through the ARMM Humanitarian Emergency Action and Response Team (ARMM-HEART) program. The Philippines also actively engages with non-governmental organizations (NGOs) to provide early recovery efforts.

(Para 8) Assistance provided to families affected by disasters, whether inside or outside evacuation centers, fall primarily under the purview of Local Government Units. IDPs are provided with basic humanitarian needs compliant with established standards such as, but not limited to, food.] The national government's Response Cluster augments the services provided by LGUs,through the DSWD's DAFAC and house rental assistance for families who do not prefer to stay in bunkhouses.

Traditionally, the country's indigenous peoples (IPSs) affected by disasters do not go to evacuation centers. To address this, the IPs started organizing independent IP Emergency Committee, composed of IP leaders and communitymembers in line with customary laws. As mandated by RA 8371 also known as the Indigenous Peoples Rights Act (IPRA) of 1997, all barangay council and municipal council should have an IP Mandatory Representative (IPMR) who will serve as the national government's bridge on the ground with the IP communities.

The NDRRMC and the National Commission on Muslim Filipinos (NCMF) recently signed a Memorandum of Agreement to deliver services catering to the needs of Muslim Filipino communities in disaster risk reduction and management (DRRM) operations.

Ethnographic survey and studies are also scheduled to be conducted to ascertain the needs, requirements and practices of indigenous peoples. The results of the surveys will serve as a data-base to determine IP vulnerability to displacement and identify appropriate interventions.

Legal, institutional and policy frameworks

(Para 9) The IDP bill was one of the top ten priority bills of the 16th Congress that saw strong representations from both the executive and legislative branches. Civil society partners also collaborated with the executive branch to pass the bill. The State-party is of the view that the bill be given priority again in the next Congress.

(Para 14) Cooperation with government agencies and the international humanitarian cluster in overseeing the Philippines' disaster relief efforts through:

"Children's Emergency Relief and Protection Act" (RA 10821) – institutionalizing the provision of a comprehensive emergency program for children affected by disasters

National Disaster Risk Reduction and Management Council – NDCC Memorandum Circular 5 of 2007 –Institutionalizing the Cluster Approach in the Philippine Disaster Management System where government agencies are leads with Humanitarian Country Teams as co-leads.

National Child Protection Working Group (NPCWG)

The NPCWG was established in 2009 as a a sub-group under the protection cluster and serves as the government's main coordination group for child protection during emergencies. . The NPCWG is led by the Council on the Welfare of Children (CWC)with UNICEF as co-lead.

On June 2014, the government subsequently approved the establishment of Regional Child Protection Working Groups (RCPWG) under the Regional Committee/Sub-Committee on the Welfare of Children (RC/SCWC) to ensure that Child Protection in Emergency (CPiE) issues and concerns were addressed in the regions.

Responses to typhoon Haiyan (Yolanda)

(Para 18) Under the DRRM Law, local government units are mandated to establish Crises Committee at all stages of governance, from the villages, municipalities, cities and provinces, regions up to the national level, each under the leadership of the local chief executive.

In areas that were affected by Typhoon Haiyan, the Crisis Committees had convened prior to the landfall of the super typhoon and mobilized resources to be ready, e.g., relief goods were prepositioned while rescue and first responder teams were organized and ready. Communication links and other such provisions were also in place.

With winds exceeding 315 kms per hour coupled with storm surges, the sheer enormity and impact of Super Typhoon Haiyan, simply overwhelmed preparations, relegating the first responders themselves as victims of the disaster. All the relief goods, communications and on-site rescue equipment prepared by the city crisis committee were inadequate to meet the needs of the disaster.

This fact should be viewed as primordial and it is unfortunate that the UN Special Rapporteur's views, in the process of gathering data on the incident, appears to have been influenced by various political views.]

Moreover, rehabilitation and reconstruction efforts are also steadily moving forward. Relocation and building of houses for the victims are in various degrees of completion but are affected by some legal technicalities relative to property rights. The Philippine Government remains cognizant of the importance of ensuring that rights and due process are accorded to each individual.

(Para 19)The report measures the perception of the residents. The Philippine Government has undertaken relief and rehabilitation efforts to ease the suffering of victims through various programs.

The Department of Justice, for its part, held the 1st Inter-Agency Council Against Trafficking (IACAT) post-disaster response technical working group after the release of the first NDRRMC assessment report.By 3rd week post-Haiyan's landfall, the IDRRT Work plan was approved.Following these developments, the Secretary of Justice and IACAT Chair issued a public statement for the creation of the IDRRT and directed all established IACAT Task Forces nationwide, especially in affected areas to step up all existing anti-trafficking efforts.

Haiyan-affected areas were identified as IDRRT's priority areas: NCR, Regions 4B, 6,7,8,9. Specifically: Cebu; Maasin, Tacloban, Ormoc, Leyte; Matnog, Sorsogon; Allen, Samar; and Roxas City.IDRRT Work Program builds off of existing anti-TIP mechanisms and the activities already being implemented post Washi and Bopha typhoons and the Zamboanga City Siege. In addition, Anti-Illegal Recruitment/Anti-TIP IEC materials on RA 10361 or Domestic Workers Law specifically targeting Yolanda/Haiyan survivors were immediately developed. Furthermore, DSWD and other partners immediately produced and disseminated these information initiatives in critical areas especially in survivor or evacuation camps as well as entry and exit points of survivors.

Simultaneous to the implementation of these, coordination meetings with the Philippine Air Force and the DSWD at the Survivor Processing Center at the Villamor Airbase were immediately conducted while center personnel were oriented to detect red

flags. IACAT Member agencies' representatives also gave AIR/ATIP orientations to waiting survivors on a rotational basis.

The Philippine Government also pushed for the inclusion and representation of IACAT in the GPH-UN Humanitarian Response Protection Cluster, GVB Sub-Cluster and the National Child Protection Working Group chaired by DSWD. Conduct of family retracing and reunification was spearheaded by the DSWD.

To ease the search for employment and job placements of IDPs, skill registration and matching were conducted in some survivor camps and evacuation centers while job fairs were conducted in the NCR and in key affected areas.

As a deterrent to human trafficking crimes, law enforcement visibility was increased while increased vigilance was promoted through capacity-building and orientation of village or barangay-based officials in partnership with CSOs and international humanitarian organizations. Close coordination and monitoring of attempted trafficking cases/incidents were also undertaken and actual cases filed and progress or statuses of cases. Massive capacity-building workshops were also established in affected areas with the main goal of establishment of ATIP Helpdesks in various exit and entry points – e.g. transport terminals, sea and airports were conducted in partnership with international humanitarian organizations and NGOs. Finally, the Philippine Governmert created sub-cluster groups under the IDRRT framework – Prevention, Protection and Partnerships.

The Philippines' Anti-Trafficking Post Disaster Response Gains:

An estimated total of 25 minors were intercepted and rescuedfrom traffickers;

At least 3 post-Haiyan related cases were filed involving at least 6 adults from Leyte;

Community leaders from over 90 villages and communities were oriented and trained on TIP and illegal recruitment;

Over 300 direct service providers were trained and oriented;

Over 20,000 IEC materials were produced and distributed;

One alleged perpetrator is currently detained in Tacloban City Jail;

Children were reunited with families with aftercare support and monitoring by regional focal persons and city social workers;

Helpdesks were established in various areas;

Child-friendly spaces were established in survivor camps;

Local government resolutions aligned with anti-trafficking strategic action plans were ratified;

Over 100 partnerships were created for ATIP activities/programs.]

A. Shelter, Housing and Provision of Basic Services

(Para 21) The Philippine Government, through the DSWD, implements the following programs for families affected by Super Typhoon Haiyan:

The Cash for Building Livelihood Assets (CBLA)is a sustainable livelihood program that provides different skills trainings to survivors of Super Typhoon Haiyan. The program has assisted 482,732 beneficiaries in the amount of PhP1,483,700,818.50 or USD31,746,776.09. As of December 2015, a total of 35,367 beneficiaries were assisted

though the Livelihood Assistance Grants (LAG) with direct assistance amounting to PhP 385,747,953,78 or USD8,253,856.68

Cash-For-Work (CFW) assistance was implemented in support of Emergency Shelter Assistance (ESA) to 34,149 families from Tacloban City whose houses were totally damaged in 2013. As of January 2016, PhP 140,783,966.51 or USD 3,011,744.94 was provided to 66,785 families.

(Para 22) In Tacloban City, 479,441 families whose houses were totally damaged were given Emergency Shelter Assistance (ESA) amounting to Php 9,190,110,000.00 or US$ 196,640,967.47, as of 20 April 2016, to augment their finances in purchasing housing materials for the reconstruction of their homes.

(Para 23) DSWD Secretary Corazon Juliano-Soliman disclosed that P73 billion foreign aid was pledged to the Philippines after Super Typhoon Haiyan. Of this amount, P45 billion were categorized as cash and P28 billion as non-cash.

In reality, the Philippines only received P17 billion. The Philippine government received P1.202 billion in cash and 1.269 billion in non-cash items. The remaining P14 billion went to non-government organizations and multilateral organizations, among others. The DSWD received P1.2 billion both in local and foreign currency.

As of 14 September 2016, DSWD had already disbursed 84 percent of the donations it had received. The amount went to transitional shelter program, cash for work, ready-to-eat food items and medicines, demurrage fees, civil registry documents, supplies for children, and administrative expenses, among others.The remaining 16 percent is already allocated based on a work and financial plan to include supplementary feeding and tourism project.

(Para 24) As of 04 May 2016,a total of 329 families still remained in bunkhouses. Based on DSWD of the Temporary Shelter Assistance and Prioritization of Victims of Disaster/Internally Displaced Persons Thereto", local government units and beneficiaries assume the care and maintenance of their bunkhouses as soon as these are turned over by the national government/DSWD. LGUs are expected to provide basic necessities such as access to water and electricity, sanitation, garbage collection and disposal, law and order, provision of health services as well as education. Beneficiaries are also encouraged to organize themselves as associations to maintain the upkeep of the bunkhouses and the sites provided by the national government.

(Para 25) During the post-Haiyan rehabilitation phase, the provision of health services was transferred from the National government to Local Government Units, which deploy teams for regular periodic health monitoring programs to affected areas. Health monitoring visits maybe less frequent due to the referral and surveillance systems assumed to be in place.

As of 12 May 2016, there are 24 Bunkhouse communities (permanent and temporary added together) existing in Tacloban City.

The Suhi District Health Center is one of the 6 district health centers in Tacloban City. It is serving at least eight (8) known temporary bunkhouse communities (Cali Transitional Shelter, Yu Site, OC1, OC2, OB1, Duplex, Badato & Tagpuro) and at least four (4) known permanent communities (Villa Diana, Villa Sofia, GMA, Habitat).

The Suhi District Health Center finished "Quick Fix" repair in November 5, 2014 (Php150,000 – DOH Funds). It started to serve on a 24/7 basis in October, 2015. Currently, it is being manned by a doctor, 18 Nurses (including nurses from NDP – Nurse Deployment Prog), 5 Midwives, and 3 ambulance drivers. Aside from the public health and medical consultations, they also cater to deliveries and emergency cases. The referral

system is in place. The sanitarian and dentist comes once a week. The Disease Surveillance Team come per necessity do conduct disease investigation.

The Temporary & Permanent shelters mentioned above are provided health services along with the Barangay Visits conducted once a month. These monthly services include Pre-natal, immunization, deworming and other major health program services. The population of these shelters avail of these services in the Barangay Health Stations assigned to them. A Barangay Health Leader is assigned per shelter community to disseminate health information.

Diseases recorded in Suhi Health Center include cluster of dengue cases in which occurred in Brgy. Camasihay December, 2015 (no bunkhouse located in the area); three (3) diarrhea cases in GMA permanent shelter which occurred in Feb-March, 2016. Both events were provided public health control measures by Tacloban City Health Office and there has been no escalation of these two diseases.

(Para 26) Administrative Order No. 9 series of 2014 – "Guidelines in the Implementation of Temporary Shelter Assistance and Prioritization of Victims of Disaster/Internally Displaced Persons Thereto" was established created in order to provide assistance to legitimate beneficiaries.This provides guidelines in identifying qualified beneficiaries for transitional shelter of bunkhouses. As a procedure, the National Housing Authority (NHA) requires certifications from the barangay or village that the IDPs are legitimate beneficiaries. If the IDPs do not own the land, a certificate from the owner of the land allowing the family to construct a house for a minimum of 10 years will be issued. Those who manage to go back to their original residences will be required to secure certificates.

(Para 27) As of 20 April 2016, the Philippines, through the DSWD, hasserved 479,441 families whose houses were totally destroyed by Super Typhoon Haiyan Yolanda (219,785) and partially damaged (259,656). The Philippine Government released a total of PhP 9,190,110,000. or USD196,640,967.47 from the Emergency Shelter Assistance (ESA) in Tacloban City alone. The Philippines continues its verification process for other victims to be granted permanent housing.

The mass flight from Tacloban City after Super Typhoon Haiyan brought about the phenomenon of families relocating to neighboring provinces such as Cebu City. Some fled through planes carrying relief goods from Manila. The non-presence of these families in Tacloban City posed challenges at the time of the awarding of temporary or permanent shelter. Families from other areas in the island also showed up demanding to be included in the list of beneficiaries despite not being in the original list of residents These scenarios further contributed to the claim that there were delisting of families in the list of beneficiaries.

(Para 28) The Tide Embankment Project was not pursued.

Livelihood and Employment

(Para 32) Department of Education's regional and division offices have been vigilant in ensuring that children remain in schools. Aside from the formal education program, there are other forms of educational services that the Department of Education (DepEd) offers such as the Alternative Learning System (ALS) which provides the Abot Alam Program that caters to out-of-school youth (OSY). There are also alternative delivery modules provided to learners such as the MISOSA, E-IMPACT, etc. DepEd has also been lenient with regard to the policy on transferees enabling schools to accept learners even with incomplete/partial requirements due to the effects of typhoons.

(Para 33) The Philippines' DSWD implements the Cash for Building Livelihood Assets (CBLA)- Sustainable Livelihood Program that has provided different skills trainings to the survivors of Super Typhoon Haiyan.

B. Protection concerns

(Para 34) According to the Joint Memorandum Circular #1, series of 2013, (DILG, DEPED, DSWD, DOH) on Guidelines on Evacuation Center Coordination and Management), the security of camps and bunkhouses, once turned over by the national government to the localities, falls under the purview of the local government units.

Adequate number of properly trained female police officers (WCPD investigators) shall be deployed to provide assistance to IDPs in case of gender-based violations.

The PNP is committed to initiate the establishment of strategies in improving security in coordination with DSWD, such as, but not limited to the following:

Creation of a community watch groups preferably with trusted female and male members of the community and availability of community/women center to cater services to IDPs, promote confidence-building between police and the community like increasing numbers of female police, meetings and information sharing, information sessions about laws and protections and to have regular communication with the LGU; and

Provide guidance to IDPs on how to prevent future incidents of violence. Concerned agency to install perimeter fence in camp sites to establish ingress and egress in order to control the access of the unknown people for the safety and protection of IDPs as well as to prevent the women and girls who face threats of sexual abuse;

Further, the PNP will conduct police visibility and deployment of PCR Team in the area of IDPs. The PNP leadership has institutionalized patrolling as the backbone of policing and a systematic downloading of personnel from the national, regional and provincial offices to the police stations has been initiated.

All Police Regional Offices (PROs) were directed to create and activate Patrol Operations Section/Unit (POS/POUs) in all Police Stations nationwide. The creation of POS and POUs aims to increase police presence in communities and address existing gaps in patrol activities, such as non-responsive Police Station Organization Structure and Staffing Pattern, inappropriate rank for patrol duties, absence of specific instructions or job descriptions for patrollers, and unclear distribution of beats.

There are limitations to the conduct of spot check/search and accosting of an individual by a police officer as this action has to be undertaken in accordance with the law and in strict observance of the Police Operational Procedures. Thus, the PNP enjoins the people and camp managers in the disaster-affected communities to be vigilant and immediately report/seek police assistance should there be suspicious individuals and circumstances in their areas.

The Women and Children Protection Center proposed a budget allocation for Disaster Risk Response that includes inter-agency and international coordination to extend and seek assistance from other concerned agencies to give favorable actions to IDPs. At present, the Center is still in the process of programming and implementing advocacy programs and campaign against all forms of abuse among women, children, the elderly. And persons with disabilities (PWDs) that covers activities to conduct intensive monitoring and case reporting from disaster hit victims.

The Philippine Government provides for the following interventions to address Child Protection in Emergency (CPiE) issues and concerns, namely: Family Tracing and

Registration; Birth Registration for the separated, unaccompanied, missing and reintegrated children; and the provision of child-friendly spaces (CFS) to address psychosocial needs and access to temporary learning spaces while in transition for eventual resumption of formal school.

Child-friendly spaceswere developed by the Council on the Welfare of Children (CWC) – National Child Protection Working Group (NCPWG). As part of its advocacy and capacity building initiatives on CPIE, the CWC, with support from UNICEF, conducted CPIE Coordination training and orientation on the national implementation guidelines on CFS to members of the NCPWG at the regional and national levels.

(Para 35) The Philippines has noted an increase in the number of marriages between single couples after a disaster. This has been commonly observed between family units to ensure security and to consolidate resources, e.g., two families merged by marriage can share more resources. With regards to female heads of households, he Philippines, through the DSWD, currently employs a process of designating mothers as the head of household. Usually, if the male parent is not around during the issuance of the Disaster Access Family Card or DAFAC, the female parent will be interviewed and assume the role as head of the family and subsequently indicated in the access card. By doing so, any member of the family can easily access government and non-government social services assistance during disaster.

(Para 38) Similar to the response in Para 8. Once the evacuation site is closed, The Philippines, through DSWD, will start implementing its "early recovery" efforts that includes: Continuing relief assistance, Food for Work/Cash for Work Projects (AO No. 15, series of 2008), Emergency Shelter Assistance (ESA), transitional shelters and restoration of damaged facilities. The Philippines also undertakes response interventions in accordance with the situation on the ground and requirements of protection for disaster workers and IDPs.

At the onset of disasters, DSWD identifies and assesses the needs of families in affected areas, whether they be living inside or outside evacuation centres, and provides services using the Disaster Assistance and Family Access Cards (DAFAC). Each DAFAC shows a record of services provided by different agencies.

Families in transitional sites are provided with "continuing relief assistance' while they wait for permanent relocation.

Conflict-induced internal displacement in Mindanao

(Para 39) The Philippines prohibits the recruitment of children, and has put in place laws and regulations that will prosecute any member of the State's security forces which violate the said policy. Notable is the Department of National Defense Circular No. 1 Series of February 2016 – Child Protection during Armed Conflict Situation.

(Para 40) The Moro Islamic Liberation Front (MILF) is a break-away group of the Moro National Liberation Front (MNLF) due to differences in political goal. The Abu Sayyaf Group (ASG), on the other hand was created by former members of the MNLF. Despite the seeming similarity, it is not accurate to regard both the MILF and the ASG in the same breath due to the very nature and character of said groups.

The ASG is involved in kidnap-for-ransom activities and other criminal and terroristic acts that victimize civilians. The MILF, however, was organized based on a clear political agenda; the group has since signed a political agreement with the Philippine government, the Comprehensive Agreement on the Bangsamoro (CAB).

(Para 41) The term "standing-down" does not appear in the Annex on Normalization of the CAB. Under the said Annex, the MILF shall undertake a graduated program for

decommissioning its forces so that they are put beyond use. Decommissioning shall be a process that includes activities aimed at achieving a smooth transition of the Bangsamoro Islamic Armed Forces (BIAF), the armed forces of the MILF, to productive civilian life.

(Para 43) The Philippine government and the MILF signed an Agreement on the General Cessation of Hostilities. Also known as the Ceasefire agreement, the goal of the agreement is to check and prevent the escalation of armed hostilities between parties. Coordination and communication are key in ensuring that there is relative peace and that the ceasefire agreement is respected, especially in areas where there is MILF presence.

Mamasapano is a municipality where the MILF-BIAF (Bangsamoro Islamic Armed Forces), the armed group of the MILF lives. Other sections of Mamasapano is where BIFF (Bangsamoro Islamic Freedom Fighters) lives. The BIFF is a break-away group of the MILF. It was in the section of the community where the BIFF members resided where the operation of the PNP took place. The PNP was serving an arrest warrant against wanted foreign national Zulkifli Abdhir. The Philippines maintains that the clash did not compromise the passage of the proposed Bangsamoro Basic Law (BBL), the attempt to translate the political agreement (CAB) into a law.

The Bangsamoro Basic Law (BBL) faced numerous issues and elicited reservations during its deliberations in Congress which commenced on the 3rd and 4th quarter of 2014. The Mamasapano incident occurred in January 2015 and may have influenced the deliberations in Congress.

(Para 44)The Philippines, through the DSWD, assisted a total of 65,362 families during the period of the law enforcement operation against the BIFF for the period (DSWD to state months, e.g., As of June 2015 and released a total of PhP 534,304,687 or USD 11,420,434.73 worth of assistance to 65,362 families displaced by the Zamboanga siege from 2013-2015, broken down, as follows:

Program/Scheme	No. of Beneficiaries	Cost of Assistance (in pesos)	Cost of Assistance (in US dollars)
Balik Probinsya (Provision of transportation allowance/fuel for the bancas)	614 families	680,516.00	14,545.60
Balik Barangay (Provision of transportation allowance/food packs)	804 families	1,600,000.00	34,199.01
House Rental (Provision of house rental fee for IDPs)	648 families	7,336,840.00	156,820.41
Home Materials Assistance (HOMA) (Augmentation to NHA's housing program)	1,082 families	5,410,000.00	115,635.40
Supplementary Feeding (Children ages 2 to 5 years old)	1,287 children	2,141,798.43	45,779.61
School Feeding Program	500 students	380,315.00	8,129.00

Livelihood Skill Training	2,386 (trained on Basic Business Management Training (BBMT) 270 (trained for employment) 81 (hired in canning factory)	In coordination with the Technical Education and Skills Development Authority (TESDA)	
Livelihood Grants	2,836 IDP families/beneficiaries	27,322,000.00	583,990.81
Food Assistance	17,733 families	289,704,117.80	6,192,245.9
Non-Food Item Assistance	7,045 families	9,256,504.70	197,852.05
Cash for Work (Peace-keeping)	1,299 families	10,040,380.00	214,606.9
Food-for-Work	19,905 families	24,239,225.58	518,098.42
Financial Assistance	925 families	2,478,332.00	52,972.81
Educational Assistance	4,822 elementary, high school and college students	8,199,830.00	175,266.28
Fuel for movement of IDPs (with bancas and motorboats)	214 families	35,658.00	762.17
Salaries for the 24 Jos/Camp staff		1,452,080.00	31,037.31
Construction of Bunkhouses & Recovery Shelters	2,763 families	143,484,113.78	3,066,883.97
Provision of plastic water tanks (33 units of 600L capacity)	114 families	397,485.00	8,496.00
Assistance to Recovery Shelters a) Supplies for Camp Management (24 staff) b) Assistance to untagged IDPs at recovery shelters in Taluksangay	34 families	37,491.00 108,000.00	802.20 2,310.88
Total number of Families assisted	65,362 families	534,304,687.29	11,420,434.73

There are no displaced families in the Grandstand as all families have now been transferred to transitional shelters and or back to their original communities.

Zamboanga

(Para 45) Some rogue elements of the Moro National Liberation Front (MNLF) besieged Zamboanga City from 9-28 September 2013, affecting a total of 23,794 families. The Government sought to address the needs of affected families by relocating them to permanent housing facilities. As of 21 March 2016, a total of 1,069 families have been transferred to permanent sites while 2,726 families remain in transitional sites.

It may be noted that prevailing poverty in Zamboanga has also encouraged relatives of families affected by the siege, who were living far from the area of the siege, to also seek relief from the government, e.g., food packs, services and other donations.

(Para 46) According to data of the Philippines' DSWD, as of 21 March 2016, a total of 2,243 families remained in transitional housing sites in Masepla (1,334), Buggoc 1 & 2 (255), Taluksangay (85), Tulungatong (281), and Kasanyangan (288). or a total of 2,243 families.

(Para 48) According to the Philippines' DSWD, 17,733 families were provided food assistance amounting to PhP 289,704,117.80 or USD_6,198,804.80 while 7,045 families were provided with non-food items worth PhP 9,256,504.70 or USD 198,061.62, on top of other supp[illegible]ervices.

(Para 49) The transfer of families from the Joaquin F. Enriquez Memorial Grandstand to relocation site started as early as June 2014 through the Balik Barangay, Balik Probinsya program contrary to the UNSR's allegations that the families were transferred days prior to his visit in July 2015). Atotal number of 2,730 families have transferred from the Grandstand to relocation sites between June 2014 to July 2015.

Families who refused to move to transitional shelters but chose to return to their original locations (except for No-Build zone areas) received the following assistance:

a) Balik-Probinsya (Return to the Province) = 614 families (PhP 680,516.00 or USD 14,561.01);

b) Balik-Barangay (Return to the Barangay) = 804 families (PhP 1,600,000.00 or USD34,235.23);

c) House rental = 648 families (PhP 7,336,840.00 or USD 156,986.51) and other services of DSWD.

A total of 1,082 families availed of Home Materials assistance and food and non-food assistance amounting to Php5,410,000 or USD 115,757.88 to augmentto the NHA's program

"The UNSR's first site visit was in Zamboanga and he and his team deviated from the mutually agreed itinerary and purposely evaded Philippine government officials to visit the Grandstand by themselves, leaving the Philippine government alarmed as to his whereabouts and, more importantly, his security. The UNSR discovered families returning from the relocation sites gathering belongings left behind after their transfer.

The UNSR may wish to note that the Grandstand had become a hub for donations. Hence, families woud congregate in the area in the hope of receiving donations from private donors that still continue to arrive in the area."

(Para 50) LGU/Barangays (villages) gives a list to NHA and LGU/NHA posts information in conspicuous areas.

(Para 51) As of 21 March 2016, a total of 175 families remained in the Lupa-Lupa recovery site while 359 families are now in the Mariki Permanent Site. Para 52 (DSWD pls: claims of cramped quarters not up to par with international standards)

(Para 53) The Philippines gives its assurance that Mampang will not be a permanent relocation site. According to the NHA, they have built permanent shelter for the Mampang residents, 203 units of which have been turned over to the occupants, and 100 units of stilt houses turned over to Badjao families.

For Badjao families affected by the Zamboanga siege, 50 family heads have been transferred to the Bugoc transitory site and provided with trainings, as of April 2016. Another 43 family heads were assisted in the Tulungatong Transitory Site and enrolled in the Cash for Work program. A total of 53 children were processed and awarded with birth certificates while 123 students from the Mampang site were provided with educational assistance.

To ensure that the delivery of quality education was not hampered by the siege and to accomplish the return to normalcy of education services and operations, the Department of Education (DepEd), with the assistance of various education partners, provided a number of interventions to affected schools as well as learners and personnel located in transitory sites. Below are the rehabilitation and recovery activities and programs implemented after to the siege:

- Conducted census for all school-aged children relocated to Mampang Transitory Site (MTS) to ensure that the number of temporary learning spaces (TLS) provided would fulfill the needs in the area;
- Trained almost 5,000 personnel on Psychosocial Support Services and implemented Psychosocial Interventions to over 155,000 affected learners;
- Provided over 1,500 copies of Alternative Delivery and Alternative Learning System Modules in MTS as well as in other affected schools;
- Provided over 15,000 teaching and learning kits to personnel and learners;
- Implemented a Special Enhancement Program for the catch-up sessions of learners in MTS and affected schools;
- Conducted school feeding programs for over 6,000 learners;
- Constructed 20 TLS, one (1) kitchen, and two (2) water, sanitation, and health facilities in MTS;
- Provided over 2,800 school furniture for learners and personnel in MTS and affected schools; and,
- Assigned 19 teachers to teach in MTS, one (1) of which is an Alternative Learning System (ALS) teacher who caters to the out-of-school youth (OSY).

During the implementation of the said programs, more permanent solutions were being planned and implemented by DepEd. The detailed assessment of classroom damages was immediately implemented by DepEd to ensure that there will be enough classrooms and that classrooms are safe and conducive to learning. After the detailed assessment, 280 classrooms in 19 schools were programmed for repairs and construction, of which 84 have been completed while the remaining are currently undergoing construction.

(Para 54) A new school (Kasanyangan Integrated School) will be established in the Kasanyangan Permanent Site which will consist of 75 classrooms. DepEd is coordinating with the National Housing Authority and the local government of Zamboanga City for the timeline of relocation of families to coincide with the completion of the construction of the new school.

(Para 56) Initial efforts to delineatethe ancestral lands and waters of the Sama Banginji at Simariki Island, Zamboanga City is currently being discussed with partners of

the National Commission on Indigenous Peoples (NCIP) such as the Assisi Development Foundation & Ateneo de Zamboanga University.

The Philippines' DSWD implements the Cash for Building Livelihood Assets (CBLA)- Sustainable Livelihood Program that provides different skills trainings to IDPs.

Please see response in para 53.

(Para 58)It may be noted that prevailing poverty in Zamboanga has also encouraged relatives of families affected by the siege, who were living far from the area of the siege, to also seek relief from the government, e.g., food packs, services and other donations.

The Philippines' DSWD implements the Cash for Building Livelihood Assets (CBLA)- Sustainable Livelihood Program that provides different skills trainings to IDPs.

The NCIP began its efforts to institutionalize a Quick Response Mechanism (QRM) in 2012 to identify indigenous people who are IDPs. This mechanism is based on the principle of respect, recognition and involvement of indigenous socio-economic, leadership, peace building & conflict resolution structures or mechanisms and institutions. In early 2014, NCIP organized an IP Crisis Committee, and conducted an IP Mindanao Conference Committee especially in CARAGA Region as part of the integrated effort of the QRM.

(Para 59) The Philippine Department of Environment and Natural Resources (DENR) enforces the no build zone from the high water line. This regulation has hardly been enforced as families started rebuilding near the coastline again, citing their need to have access to their fishing livelihood.

Maguindanao

(Para 62) The Philippine Government has adopted several models to bring peace and services to the area, with the establishment of the ARMM, etc. The Philippines has made inroads and acknowledges that more needs to be done, hence, its tireless pursuit for peace in the region.

(Para 63)To reduce clashes and isolate lawless elements, e.g., kidnap-for-ransom gangs, taking refuge in or near MILF communities, the Philippines and the Moro Islamic Liberation Front (MILF) agreed to a General Cessation of Hostilities and the establishment of an Ad Hoc Joint Action Group (AHJAG)covering five conflict—affected areas in Mindanao in May 2002 to effectively facilitate the flow of communication between the conflicting parties and substantially decrease the number of armed engagements when government forces pursue lawless elements.

AHJAG covers the following areas: (1) Maguindanao, Sultan Kudarat, North Cotabato and Bukidnon; Lanao and Misamis provinces; (3) Zamboanga peninsula and ARMM island provinces; (4) South Cotabato, Sultan Kudarat, Sarangani and General Santos City; and (5) Davao provinces. Recorded clashes between the GPH and MILF from 2008 to 2014 were, as follows: 218 clashes in 2008, 115 clashes in 2009, 14 clashes in 2010, 8 clashes in 2011, 0 clashes in 2012 to 2014 and only 1 clash in 2015.

(Para 64) While the Bangsamoro Basic Law has yet to be enacted into a law, the government continues to deliver services to communities affected by conflict. The Sajahatra Bangsamoro was launched in 2014, following the signing of the Framework Agreement on the Bangsamoro (FAB). The program is meant to provide immediate social protection measures to communities jointly identified by the Philippine Government and the MILF.

The goal of the Sajahatra program is to accompany the peace negotiations and ensure that communities would enjoy "peace dividends," dissuading individuals in the process from again engaging in violent activities.

(Para 65) The Philippine Government's assistance does not end upon the closure of evacuation centers, it continues as long as there is expressed needs upon assessment by LGU and DSWD; early recovery program are provided such as Cash for Work, Cash for Building and Livelihood Assets , Pabaon Package contained family food packs, kitchen wares, ; shelter assistance either emergency shelter program, transitional shelter and permanent core shelter; supplemental feeding for children and other regular social protection programs of the DSWD are accessible to them through Crisis Intervention Unit .

Aside from pursuing peace negotiations, the Philippines has made inroads in bringing crucial services to the most marginalized of these communities through the focused development activities of the PAMANA or the Payapa at Masaganang Pamayanan Program. From 2011 to 2015, the peacebuilding program invested a total PhP 24.3 billion or USD 540 million, covering 15,635 projects in 44 provinces. Of these 44 Provinces, 27 have been recognized by 2015 as having achieved a stable and manageable security situation or a substantial reduction in armed violence, thereby fostering environments conducive to development and investment programs.

(Para 66) Under Article X, Section 21 of the 1987 Constitution, the preservation of peace and order within the Autonomous Region of Muslim Mindanao shall be the responsibility of the local police agencies and shall be organized, maintained, supervised, and utilized in accordance with applicable laws, while the defense and security of the region shall be the responsibility of the National Government.

The "AFP offensives against the BIFF and heavy militarization of the region" is thus within the power and responsibility of the national government. Likewise, it is not "militarization" as there was no attempt whatsoever to prepare the community to take part in the armed engagement.

Nevertheless, the national, regional, and local governments work together to address the needs of affected families, ensuring that both the rehabilitation and relocation, if needed, are addressed. If local funds are not available, national funds are accessed to address the needs of IDPs.

The UNSR's statements are sweeping generalizations, solely blaming the Philippines' security forces for the apparent displacement of families in the conflict-affected areas.

The Philippine Government recommends that the UNSR undertake an in-depth and extensive study of the conflict that has plagued southern Philippines since the 1970's and acknowledge the repeated efforts of the government to negotiate for peace in the region instead of merely relying on verbal accounts he received in the 10 days that he visited the Philippines. Such sweeping generalizations border on irresponsible reporting,and is uncalled for coming from a distinguished expert

The word "militarization" refers to the act of preparing the society for war or other emergencies. It does not connote the conduct of operations by the State's armed forces against organized armed groups or to suppress lawless violence committed by non-state actors. The conduct of offensives by the Armed Forces of the Philippines against the BIFF is well within the power of the State to engage in internal security operations to defend the Autonomous Region in Muslim Mindanao (ARMM) against threats and defend the local populace from atrocities committed by lawless elements.

(Para 67) The Philippines respectfully disagrees with the claim that "no assistance or compensation was provided for the destruction of homes or crops, and does not provide for

relocation, resettlement or the provision of transitional or permanent housing." The statement is tantamount to an accusation without the benefit of providing basis for such remarks. As shown in responses to previous paragraphs (see para 44 to 64), both the national and local government units have provided assistance to affected and displaced populations.

The Philippine Government has provided the UNSR, during its visit, all available opportunities to see the big picture of the IDP situation in the Philippines, both from the point of view of the State and Civil Society Organizations, believing that the process is part of a constructive engagement and dialogue to improve the process of addressing the concerns and needs of IDPs. The Philippines is of the opinion that accusations, sweeping statements, and citing information and/or data sets coming from unverified and unofficial accounts are not conducive to a constructive process, and actually create the impression that the report is meant to "shame" the State instead of helping it improve its processes.

Please also see responses in Para 45 and 46.

(Para 68) The Philippines' DSWD, as the Vice-Chair for disaster response, is in charge of the following: 1) Provision of Food/Non-Food Items in affected LGUs in cases where prepositioned resources are used during a disaster period; 2) Ensuring availability of safe, secure and accessible evacuation centers for emergencies and disasters; 3) Protection for IDPs inside and outside the evacuation centers are provided with humanitarian needs based on accepted standard.

The Philippines further expresses opposition to the statement that "civil society actors stated that civilians and IDPs are viewed with hostility by the AFP who suspect them of harboring and supporting insurgents" since no data was provided to show that a significant number of civil society actors share the same sentiment.

The complex reality of internal armed conflict is the fact that some civilians and groups cooperate with the insurgents in a transactional exchange relationship. Part of the transactional relation includes information exchange, safe havens, and even support to the propaganda narrative of armed groups.

Hence, the Philippine Government believes that the reportwould have been moreimpartial had the UN SR been more circumspect in determiningthe veracity and objectivity of the statements given by the civil society groups he interviewed. It is inaccurate to state that civilians and IDPs are viewed with hostility by the AFP who "suspects them of harboring and supporting insurgents." The AFP as a professional military organization is aware that the insurgency situation in the Philippines resulted from a myriad of social, political, economic and cultural issues. The AFP is also aware that armed groups use violent means to intimidate civilians.Regrettably, some the civilians cooperate with the insurgents in a transactional exchange relationship. Nevertheless, the AFP is bound by the rule of law and strictly observes the civil and political rights of civilians.

Moreover, no such report was presented to the AFP by civil society organizations or non-government organizations during or immediately after the Zamboanga City incident. Likewise, diligent inquiry was conducted with CSOs stationed within Zamboanga City and no group has claimed to have made such a report nor heard such occurrences as stated in the UNSR's Report.

Lastly, the AFP has strengthened the functions of its Human Rights Office (AFPHRO) which continually engages with civil society, NGOs, international organizations including the International Committee of the Red Cross (ICRC), UN resident agencies, the Commission on Human Rights and other government agencies to promote and protect human rights. The AFPHRO entered into partnerships and established various mechanisms to address and resolve complaints against military personnel. Reports of acts

of discrimination or unbecoming conduct by soldiers will be prosecuted through the military justice system and/or the criminal justice system.

(Para 69) The Quick Response Team (QRT) refers to a composite team of all categories of trained DSWD Personnel from the Central Office, Field Offices and its attached agencies and members of civil society organizations possessing specific skills and competency ready to be deployed to assist in affected areas and LGUs in delivering disaster relief and humanitarian services during massive natural or human-induced disasters.

The LISTAHANAN or the National Household Targeting System for Poverty Reduction (NHTS-PR) is one of the systems used by the Philippine DSWD as a database in gathering relevant data and is conducted per barangay, consolidated per municipality and finally, per province.

(Para 70) The Philippines is of the opinion that making a generalized claim that "Lumads are often accused by the AFP of being members or supporters of the NPA" is an open accusation and/or judgment without showing a modicum of evidence. Likewise, the term Lumad is a generic nomenclature that refersto all indigenous peoples (IP) in Mindanao from various regions. The AFP investigates and conducts thorough research before it categorizes certain Lumad communities as either influenced or threatened by the New People's Army, the armed wing of the Communist Party of the Philippines.

It is not within the policy of the AFP to publicly, indiscriminately, and unjustly label, accuse or vilify innocent individuals, groups, or organizations by associating them as members or supporters of the NPA. It must be noted that the AFP has been conducting peace and development activities, i.e., PAMANA, in the far-flung areas of the country to spur development and facilitate the delivery of basic services by the government. Called "Bayanihan Team Activities", the "Bayanihan Teams" go to the different communities to liaison with community leaders to determine the communities' primordial needs, including those in the IP communities. The AFP has long been pushing for the full implementation of the Indigenous People's Rights Act under RA 8371. Non-state armed groups, reports indicate, spread misinformation to sow intrigue between the AFP and the communities.

The Philippine Government wishes to emphasize that the AFP is a professional military organization. It is bound by human rights and international humanitarian law, the rule of law and strictly observes the civil and political rights of civilians.

The AFP is the first in Asia, if not the world, to make public its Internal Peace and Security Plan (IPSP) to give the public more leverage in checking the performance of its duties. Moreover, it is also the first in the world to have agreed to a mechanism where civil society groups exercise oversight on its performance especially in the areas of HR-IHL, rule of law, and respect for the peace process.

On the statements, "with regard to the communist insurgency, the indigenous peoples of Mindanao known as Lumads have been disproportionately affected by the long-standing conflict between the government and the New People's Army. Many live in areas where the communist insurgency and counter-insurgency by the AFP are taking place," it must be stated that the IPswere affected by the conflict when the NPA started to recruit them into their ranks.Minors were also conscripted by the group. An example is the case of an IP minor Asinad Bago, a student of Salugpungan, an alternative learning school run by non-government organization, who was exposed to lectures about the NPA's armed struggle.

Assistance to LUMAD IP communities is provided through the Modified Conditional Cash Transfer (MCCT) Program and Sustainable Livelihood Program (SLP) under the Department of Social Welfare and Development (DSWD) which caters to the needs of the IPs especially on their livelihood and economic upliftment. In fact, the first

segment of animal production such as cows, pigs and carabaos in the IP community of Brgy. Gupitan, Kapalong, Davao Del Norte.

As regards the comment on the Executive Order (EO) No. 546, the objective of said policyis to address the problems of insurgency andsecessionism at the local levels. The campaign against private armies is geared towards an integrated and holistic approach to promote a secured environment conducive to the well-being and development of the Filipino people. The Barangay Peace Keeping Action Team under the local government supports the PNP and the AFP in internal security operations through its barangay tanods, deputized as "force multipliers." The success of E.O. No. 546 in quelling both insurgent and secessionist threats to communities and innocent civilians is seen as the main reason why certain groups allied with these same insurgents and secessionist are calling for the EO's revocation.

The current Philippine administration has consistently taken a strong stand against private armies. Upon his assumption to office, President Aquino gave marching orders for the PNP and the AFP to exhaust all efforts to dismantle private armies that are widely believed to be protected by local warlords and politicians. On 4 August 2010, a Joint Letter Directive 05-2010 (AFP-PNP Joint Campaign to Dismantle Private Armies) was signed by the AFP and PNP Chiefs to prescribe policies, guidelines and procedures to be undertaken in the dismantling of private armies.

(Para 71) The Government maintains that the alleged internal displacements refer to movements of IPs organized or orchestrated by militant leftist groups, condemned by IP leaders in one of their resolutions.Twenty-three IPs from Bukidnon were lured from their ancestral domains and brought to Haran in Davao to be part of the so-called "evacuees" or "displaced persons".

The IP Crisis Committee (IPCC) in the CARAGA region is set to evaluate the co-called "Lumad Displacement". The Committee and NCIP found out that so-called evacuees are not from affected areas. Many IPs in government sport complexes in Tandag, Surigao del Sur were organized by non-IP groups with political and ideological agenda that have nothing to do with IP concerns.

The Philippines informs the UNSR that it has monitored the perceived "displacement" as a form of "movement of IPs due to enticements of food or meeting personalities such as the President or Manny Pacquaio."

(Para 72) Updates on the two (2) harassment incidents that transpired in Brgy. Bolhoon and Brgy. Siargao, both of San Miguel, Surigao del Sur:

In Brgy. Bolhoon

An Alias Order of Arrest was issued against the respondents, Arab Tejero alias Bobby Tejero, Dating Brital, Bogoy Martines, Lordan Banusan, Tanog Peres, Garito Cabuga and 13 John Does, accused for:

Three (3) counts of robbery under Criminal Case No. 6720-6722 and kidnapping under Criminal Case No. 6723 dated 22 December 2015 signed by Hon. Rufo U. Naragas, Presiding Judge 11th Judicial Region, Branch 40, Tandag City, Surigao del Sur; and

Four (4) counts of grave threat under Criminal Case No. 6968-6971 and three (3) counts of grave coercion under Criminal Case No. 6972-6974 dated 06 January 2016 signed Hon. Ricardo L. Mosquera III, Acting Presiding Judge, 3rd MCTC, San Miguel-Tago, Surigao del Sur.

In Brgy. Siagao

On 29 August 2015, Brgy. Captain Julieto Pie of Brgy. Siagao, San Miguel Surigao del Sur called the San Migue! Police Station throughthe PNP hotline informing that two (2) dead bodies identified as Crisanto Tabugol y Silvoza, 30 yrs. old, and Ely "Loloy" Tabugol, 34 years old, both farmers and residents of Purok-3, Brgy. Siagao, San Miguel Surigao del Sur were shot to death by more or less ten (10) unidentified armed men believed to be members of BAGANI Forces under Datu Jasmin Acevedo based somewhere in Brgy. Umalag, San Miguel Surigao del Sur armed with M16, Carbine and M203 rifles.

(Para 73) Cases were already filed in court against the suspects, namely: Bobby Novero Tejero, Margarito Tejero Layno/Garito Layno and Loloy Novero Tejero. Subsequently, a warrant of arrest (WOA) has been issued for their immediate arrest. The PNP and AFP created a Joint Task Force "Bangkaw" to track down and arrest the suspects. Furthermore, on 23 November 2015, the suspects involved in the said killings were included in the List of Wanted Persons with a monetary reward of One Million Two Hundred Pesos (PhP 1,200,000.00 or USD 25,614.00) each under DILG Memorandum Circular Number 2015-136.

At present, the PNP and AFP are continuously exerting efforts to arrest the suspects in the ALCADEV incident. The AFP-PNP tracker teams are still posted in strategic areas while joint combat/law Forces Battalions, are ongoing in the areas of Agusan del Sur and Surigao del Sur.

Of the three rape incidents in Talaingod, Davao del Norte,the case filed before the Office of Provincial Prosecutor, Tagum City, Davao del Norte against the respondents was dismissed for insufficiency of evidence. The complainant Nora Tacay had executed an affidavit of desistance.

Upon receipt of the information, PNP personnel of San Miguel Police Station led by Investigator SPO2 Uldarico L. Laurente Jr., with the close supervision of PSINSP DARWIN YAP YU immediately proceeded to the subject area to conduct investigation.

Initial investigation disclosed that on 28 August 2015, on or about 7:00 p.m., the said suspects arrived at the said place primarily looking for Junior Ilicano, father-in-law of their comrade Roel Ignacio y Quiñonez alias Lover Boy, 24 yrs. old, member of the BAGANI force and a resident of Purok-2 and started to shoot at bystanders and neighboring residents, hitting them in different parts of their body resulting to their instantaneous death.

Recovered evidence from the crime scene where eight (8) fired cartridges of M16 rifle, two lodged bulletsfrom M16 rifles and one fired cartridge of Carbine.Based on the initial investigation, there was no clearevidence showing that the reason of death of the two victims was allegedly by a "grenade incident".

An in-depth investigation is still ongoing. However, the San Miguel Police Station has found some difficulty in securing witnesseswho would execute sworn affidavits.During a case conference and dialogue during the Municipal Peace and Order Council Consultative (MPOC) meeting conducted on 09 September 2015 presided by Hon. Mayor Alvaro S. Elizalde, the immediate family of the victims manifested that they were no longer interested in pursuing the filing of the case nor do they have intentions to retaliate against the suspects. However, the San Miguel Police Station continues to exert efforts in close coordination with barangay officials, tribal leaders, BINs, and other stakeholders for the possible resolution of the said cases.

The Philippines' NCIP advocates for ancestral domains to be considered as sacred grounds and/or domains of peace for IPs and condemns incidents between and among IPs. ThePhilippine Governmentrecommends that the UNSR IDP conduct a more thorough

validation and analysis of the incidents and where these happened to have a clear appreciation of the IP community.

(Para 74) The Armed Forces of the Philippines (AFP) has no policy that allows the organization and arming of private groups and communities such as the IPs/Lumads. However, tribal warriors or guards are a recognized group in most indigenous communities, together with the religious leaders and the indigenous political structure. The tribal warriors or guards (also known as "Bagani" or "Alamara' – note that different tribes have different terms for similar groups) are tasked to defend their communities against external aggressors.

The Philippines' Indigenous Peoples' Rights Act ensures the independence and freedom of indigenous communities to live in peaceful existence in accordance to their culture and traditions. Conflicts are resolved through their existing political, religious, cultural and judicial processes and structures. Thus, tribal guards as directed by their political leaders known as "datus" and collectively through their tribal council, protect their territory from aggression and atrocities by entities external to their tribe. The tribes coordinate and seek assistance from the AFP, PNP and the local government units to ensure peace and order in their ancestral lands and domain.

The AFP has sufficient capability and does not need to form or create paramilitary groupsthat are not part of the State's formal armed forces to fight in armed conflicts with armed insurgent groups.

On the statement "Lumads, human rights organizations and other have accused the AFP of creating and arming the IP paramilitary groups known as 'Alamara' or 'Mag.ihat'..."

The AFP has no policy that allows the organization and arming of private groups and communities such as the Lumads. However, tribal guards that are part of the indigenous political structure, tasked to defend their communities are against the NPAs are often tagged as "Alamara" by the leftist groups.

(Para 75) Extra judicial killings(EJK) are heinous crimes and allegations of such require details. It is important that cases on EJK be substantiated with material facts so as to validate these with the AO35 databank of the Department of Justice, under the Administrative Order 35, the Inter-Agency Committee on Extra Legal Killings such as names and the place of the incident.

(Para 76) Philippine law prohibits mining and logging in Ancestral Domains. There are issues on encroachment, but these cases are in areas not covered by the law. If the IPs took up arms, it is to defend themselves from the encroachment, manipulations and control of non-IP actors. Extractive companies, large-scale plantations and other similar ventures undergo a process called FPIC (Free Prior Informed Consent). Companies that violate this rule are given notices by NCIP.

(Para 77) The NCIP is fully cognizant of the limitations of the organization, but is exerting efforts to be more responsive to the needs of the IPs. The IPRA is an exemplary law focused on "social justice". The NCIP was created through this law and caters to an estimated 14 million Philippine IPs with more or less 1,500 personnel operating on a lean budget. Notwithstanding its limitations, the NCIP has always been steadfast in its efforts and mandate. In fact, as a commission, it has actedin matters of IP health, livelihood, education, displacement/armed conflict/peace/human rights, litigations and court hearings on violations and complaints, infrastructure and others.

Currently, 69 school buildings with 169 classrooms shall be established in the far-flung IP communities to ensure free education for all IP children and even adults who would wish to enroll in elementary schools.

Social preparations activities are also being undertaken under the Kapit-Bisig Laban sa Kahirapan – Comprehensive Integrated Delivery of Social Service (KALAHI-CIDSS (KALAHI-CIDSS) program for the establishment of the schools like area validation, clearances, and development, deed of usufruct, community meetings and dialogues.

Haran Center, United Church of Christ in the Philippines, Davao City

The Philippine Government asserts that the UNSR's mutually agreed itinerary with the Philippine Government did not include the Haran Center. He Informed the State Party of his plan to travel to Haran the night before his departure on 25 July 206, a Saturday. He was specifically informed that no security arrangements had been arranged nor were government officials in the city of Davao informed of his arrival. Despite the lack of permission from the Philippine Government, the UNSR and his OHCHR assistant proceeded with the trip on 26 July 2015, a Sunday when all government offices were closed, and placed the State Party at risk for traveling to a city that was not covered by official or security arrangements. This is contrary to conduct expected of special procedures mandate holders and attention should be called for this disrespectful and unbecoming behavior.

(Para 78) The term "militarization" has often been misconstrued to apply to situations where the AFP conducts patrols in areas where there have been sightings of NPA rebels. The AFP patrols are warranted to negate NPA attacks or extortion of so-called "revolutionary taxes" from the local populace and private business companies. Based on the evidence gathered by other government agencies as well as the AFP, the so-called 700 IPs/Lumads were inveigled and deceived in leaving their communities without the knowledge and consent of their tribal leaders, to receive dole-outs and other items from politicians in Davao, only to be herded to the Haran compound and prevented from talking to their leaders.

The word "militarization" refers to the act of preparing the society for war or other emergency. It does not connote the conduct of operations by the State's armed forces against organized armed groups or to suppress lawless violence committed by non-state actors.

As for the reported incidents involving IPs, the NCIP evaluated the incidents and found that the IPs involved are from different parts of Bukidnon. Kidapawan and Davao. NCIP contacted community leaders where these IPs originated; the IP leaders denied any knowledge of the action of their members in joining the group that went to UCCP-Haran in Davao. The IP leaders of affected communities went to UCCP-Haran to convince their people to return to their communities, but the organizers prevented the IPs to return home.

(Para 79) Statements were gathered from the Office of the Tribal Assembly of Elders/Leaders signed by 48 Datus led by Datu Doming Antonio indicating that the IPs were coerced into moving to the UCCP Haran compound in Davao City with promises.

It is based on these affidavits that the AFP asserts that the victims should be returned to their respective communities. No government agency has been allowed access into the Haran compound, except for the Davao City social welfare officials, who confirmed that the IPswere living in sub-human conditions.

(Para 80) The suicide incident that was reported to have occurred in the facilities run by the United Church of Christ in the Philippines at the Haran Compound in Davao City is not an allegation. The incident happened on 23 February 2015 at 5:00 AM at the UCCP Haran Compound, Father Selga Street, Bangkerohan, Davao City. The victim's name is LITO LUNDIA, who committed suicide by hanging himself by the neck using a nylon rope tied to a mango tree branch. He belongs to the indigenous Manobo tribe and is a native of Sitio Inayaman, Barangay San Isidro, San Fernando, Bukidnon. The remains of LITO

LUNDIA were brought back to his hometown and was buried at the public cemetery. The wife, TATA ANGCOMOG LUNDIA, who couldn't bear the loss of her spouse, committed suicide a few days after the burial of her husband. Before her death, Tata Lundia, together with four others, filed a complaint-affidavit before the DOJ Prosecutor in Davao, and attested to the truthfulness of the incident and circumstances surrounding the trafficking and suicide.

The affidavits showed that the persons who brought the IPs to the Haran compound prevented the entry of other individuals into the said compound, thereby proving that the IPs victims were indeed being trafficked. The DSWD attempted to rescue the victims but was prevented from doing so.

The Philippine DSWD, as an exercise of its jurisdiction, provided services outside the UCCP Haran Compound for those who wished to go out and avail of their services. However, the IPs inside the UCCP Haran compound were prevented from leaving the facility

It should also be considered that there are tribal leaders who provided a different statement as regards their trip to Haran. In the Joint Affidavit-Complaint of Datu Kalompot Dalon, Datu Laris Landahay, and Limar Masomoy-ot (all from Sitio Inayaman, Brgy. San Jose, Municipality of San Fernando, Bukidnon), they stated that they went to Davao in the belief that they are joining a dialogue with key officials like President Benigno Aquino, Davao City Mayor Rodrigo Duterte and Congressman Manny Pacquiao. They were also allegedly promised "sacks of rice, grocery items, kitchen utensils and farm tools".

These accounts by IP leaders have prompted government officials to question the allegations of "evacuation due to armed conflict" in the IP areas when husbands and fathers such as the former Lito Lundia would leave their wives and children to evacuate only by themselves.

(Para 81) The Philippine government vehemently denies that its State forces are militarizing communities. The Philippines is a democratic country, and alleging that it is involved in militarizing civilian communities undermines its democratic standing in the community of democratic nations. The presence of soldiers in conflict-affected communities threatened by insurgents is part of the mandate of the AFP to protect the people from threats and violence. The Philippine State respectfully requests the UNSR from making judgement statements especially if these cannot be substantiated by evidence.

On the statement "...They wished to return to their land but stressed that they can only safely do so if the long-term militarization ends and they have guarantees of safety, dignity and protection. They described alleged forced recruitment into paramilitary groups which operate under the auspices of the AFP and regular harassment by the AFP in the context of the ongoing conflict," should not be attributed to the AFP as it is not engaged in any militarization activities. The presence of soldiers in conflict-affected communities threatened by insurgents is part of the mandate of the AFP to protect these communities from threat and violence caused by armed insurgents or criminal elements.

On the phrase "...The paramilitary group Alamara allegedly killed a 15-year old boy..." The actual facts of this case involved a family clan versus the NPA. Based on police reports, a man was killed by the NPA. As retaliation, the members of the man's family killed a relative of the NPA involved in the killing. This happened to bethe 15-year-old boy. It is, hence, a case of tribe vs the NPA, not the Alamara.

(Para 82) The 'schools' or 'IP schools' mentioned in the report in connection with government 'accreditation', mainly refer to the Salugpongan Ta 'Tanu Igkanogon Community Learning Center (STTICLC), which operate a network of privately-run schools. The Department of Education (DepEd) had earlier clarified that DepEd Region XI

issued a permit to operate STTICLC for SY 2015-2016 despite the delayed submission of its application and corresponding requirements to renew its permit.

Allegations of attacks, threats and harassment against schools and teachers by State and alleged paramilitary forces have been consistently referred by DepEd to the Inter-Agency Committee on Children in Armed Conflict (IAC-CIAC). The IAC-CIAC verifies these reports using factual accounts and investigation.

On the establishment of new public schools for indigenous peoples (IP) communities in Mindanao

The Philippines, through DepEd, shall open new public schools in two hundred fifty-one (251) sites in various IP communities in Mindanao. The table below provides the number of schools to be opened per region:

Region	No. of New Public Schools to open SY 2016-2017
I X	18
X	39
X I	69
X II	50
X III	75
T otal	251

The general policy and program context of this initiative is anchored on DepEd's mission to protect and promote the right of every Filipino to quality, equitable, culture-based, and complete basic education. Aside from the specific provisions of the Philippine Constitution on IPs and their right to education and cultural integrity, which DepEdis operationalizing, as guided by the National Indigenous Peoples Education (IPEd) Policy Framework (DepEd Order No. 62, s. 2011). This effort is pursued in line with the Indigenous Peoples Rights Act (IPRA) of 1997, Republic Act No. 10533 (The Enhanced Basic Education Act of 2013) and its Implementing Rules and Regulations (Section 3.4), and the IPEd Curriculum Framework (DepEd Order No. 32, s. 2015), among other related laws and policy documents.

Of the 251 new public schools to be opened in SY 2016-2017, six hundred five (605) classrooms would be constructed and five hundred eighty-three (583) new public school teachers would be deployed. DepEd shall undertake classroom construction in partnership with DSWD through its Kalahi-CIDSS National Community-driven Development Program (NCDDP). DepEd and DSWD shall employ an approach in classroom construction and school site development that is responsive to the cultural, geographical, and environmental context of the indigenous communities to be served. Classroom design shall take into consideration indigenous architecture, construction, and planning approaches, in consultation with the community. The 583 new teachers to be deployed shall be trained by DepEd on curriculum contextualization in line with its IPEd Program.

Through this initiative, DepEd intends to contribute to the expansion of the number of public schools that can offer culture-based basic education in the context of IPs, consistent with the goals of the K to 12 Basic Education Program. It also aims to bolster efforts to develop more classrooms and learning spaces that are culturally responsive, which is an integral part of creating an enabling environment for the effective implementation of a contextualized curriculum for indigenous learners.

New Public Schools in Talaingod and Kapalong, Davao del Norte

For Talaingod and Kapalong, Davao del Norte, DepEd has opened 10 new public schools (5 in Talaingod and 5 in Kapalong) last SY 2015-2016, with 22 new teachers deployed in the said schools. This coming SY 2016-2017, DepEd shall open 10 new public schools in Talaingod (wtih 20 new classrooms to be constructed and 20 new teachers) and 11 new public schools in Kapalong (wtih 26 new classrooms to be constructed and 31 new teachers).

The DepEd is also expanding access to basic education services in IP communities with the intention to scale-up the establishment of schools in indigenous communities. For 2016, the target is three hundred (300) priority sites in geographically isolated and disadvantaged areas (GIDAs) in different parts of the country. In Mindanao, there are 251 priority sites identified for the establishment of new public schools in Regions IX, X, XI, XII, and XIII.

Aside from these efforts, a high-level inter-agency task force was created to provide immediate social protection interventions for IP communities in Northeastern Mindanao. The intention of the task force is to ensure that programmed projects are aligned to priority IP communities in Mindanao.

Moreover, it must be emphasized that all establishments or infrastructures that are put up in ancestral domains must have the "free prior informed consent (FPIC)" of the community. Part of ensuring that the rule of law is enforced is to require FPIC in these areas from the duly acknowledged tribal leaders of the area.

The Rapporteur should have also asked if the schools in questions actually filed applications for accreditation. Based on records of the Department of Education, very few of these alternative learning schools (ALS) have actually filed applications for accreditation. If so, the request to be "accredited in a timely manner" becomes a futile demand.

The statement, "The demands of the IPs includes; disband and disarmed the paramilitary groups; cease forced recruitment; arrest and prosecute paramilitary or military forces that engage in violence against civilians; end tagging individuals as NPA suspects; withdrawal of the AFP from communities; ensure that schools operate freely without interference or military/paramilitary presence, threats or violence and ensure that their schools are accredited in a timely manner; ensure a functioning rule of law and law enforcement; and provide social services to indigenous peoples equal to people in other areas of the country", is a very sweeping and general statement attributed to the entire IP populace. These sentiments are not shared by every IP as majority of them do not subscribe to the violent struggle perpetrated by IP NPAs. Schools are indeed necessary in the IP communities provided this should subscribe to the standard regulations set forth by Department of Education in putting up schools in their communities. The obligation of the State to secure and protect their communities through regular presence of the AFP, particularly in areas where NPA are active, is a duty that must be exercised by the State as mandated by law.

Regarding the statement, "…ensure that schools operate freely without interference or military/paramilitary presence, threats or violence and ensure that their schools are

accredited in a timely manner..." the Department of Education (DepEd) issued DepEd Order no. 44, s. 2005 declaring its position that all schools are and should be established as zones of peace. It has also promulgated DepEd Order no. 40, s. 2012 to ensure that learners are safe from all forms of violence perpetrated by all persons/stakeholders and not just armed groups. In addition, DepEd Memorandum Circular no. 221, s. 2013 states that carrying of firearms are prohibited in the premises of the school grounds, even for personnel of government agencies permitted to carry firearms.[1]

Meanwhile, accreditation and operation of private schools also depend on the private school's compliance to the protocols and documents needed for accreditation as well as the minimum standards/requirements of operation.

(Para 83) The NCIP is mandated to protect and promote IP rights and their well-being and works with various stakeholders, whether they be the government and the military, insurgents, , international organizations or NGOs/CSOs address IP issues

NCIP organized a Certificate of Ancestral Domain Title (CADT) holder's conference which resolved that these anti-NCIP statements came from IPs who were not following customary laws and the Indigenous People's Rights Act (IPRA).

(Para 84) The schools were not closed but temporarily subjected to regulation in response to the Talaingod Tribal Council's request for government intercession.

In the bid to address the need to provide better access to basic education in IP communities, the schools being established by the DepEd adapts a design that incorporates indigenous architecture, construction, and planning approaches.

Furthermore, the occupation of AFP personnel of schools is vehemently denied. The AFP is guided by regulations while in the premises or within school or hospital premises as provided in AFP, GHQ Letter Directive No. 25, dated 15 July 2013. The AFP Letter Directive No. 25 was later rescinded by DND Circular No. 01 dated 4 February 2016, the subject of which is on Child Protection during Armed Conflict Situations.

Tampakan

(Para 85) The Philippine Government has a policy on mining which governs all mining operations in the country including defining areas where mining can be allowed. There are also processes that are enshrined in the IPRA Law concerning the use of their ancestral lands/domains. The Philippines, through the Mines and Geosciences Bureau of the Department of Environment and Natural Resources (MGB-DENR), ensures that all mining companies, including the Tampakan Cooper Gold Project in Mindanao, are compliant with RA No. 7942, also known as the Philippine Mining Act of 1995 and its Implementing Rules and Regulations, which requires Free and Prior Informed Consent (FPIC) before any Mineral Agreements, Financial or Technical Assistance Agreements or mining permits can be granted in areas subject to Certificates of Ancestral Domains/Ancestral Land Claims.

Should a Mining Agreement be reached between the mining company and the Indigenous People's communities, the concerned Indigenous Cultural Communities (ICCs) shall also receive a royalty payment of not less than one percent (1%) of the gross output of the mining operation. Thus, on the claim of 'lack of consultation', the Philippines would appreciate if the UN Special Rapporteur could cite the parties involved so that it can validate their statements.

[1] DM no. 221, s. 2013 has exceptions for carrying firearms if the peace and order situation in the area requires such measures

(Para 86) Given the geographic extent of the mine area of the proposed Tampakan Mining Project, it is projected that around 1000 households or 5,000 people could be displaced if the project were operationalized.

As of date, the Tampakan Copper Gold Project of Sagittarius Mines Inc. (SMI) has secured an Environmental Compliance Certificate on 19 February 2013 and filed its partial Declaration of Mining Feasibility (DMF), currently under evaluation by the Philippines' Mines and Geosciences Bureau (MGB). Should the DMF be approved, it shall authorize SMI to proceed with its development and operation plans.

The Philippines' National Commission on Indigenous Peoples (NCIP) leads the process of the free, prior and informed consent (FPIC), which has been ongoing for several years now. The NCIP, in its report to the Mining Industry Coordinating Council (MICC) during the 23rd Council meeting in March 2016, stated that individual Memoranda of Agreement has to be entered into by SMI with all 11 indigenous cultural communities (ICCs) located in five (5) Certificates of Ancestral Domain Title (CADT) covering the area of the Tampakan Mining Project. The MOAswould provide detailed terms of engagement as provided for under Section 32 (Contents of the MOA) of the 2012 Revised Guidelines on the FPIC and related processes of 2012.

Moreover, SMI is still in the process of negotiating with the affected indigenous people (IP) communities on possible relocation sites, including acceptable resettlement packages. For non-IP communities, the SMI has also been seeking the assistance of the Local Government Unit of Tampakan to identify possible resettlement areas. The SMI. in coordination with DENR-MGB, has also put in place safeguards to ensure the protection of the cultural identity of the IPs and minimize the impact of resettlement to the environment.

The decision rests on the IP community as rightful owners of the ancestral domain. Since the mining project in Tampakan is still under negotiation, no displacement has occurred.

(Para 87) On the statement that the FPIC 'had not been transparent or inclusive", it should be reiterated that the NCIP ensures that its processes are participatory and inclusive. For the 'Tampakan Project", the NCIP further emphasizes that each IP community is consulted.

IP communities can file complaints against NCIP personnel whom they perceive to be violating the FPIC. The Philippines also views as unfair the UNSR's use of unverified accounts in his report, without informing the State Party of the incident during the exit conference on 31 July 2015. Again, the UNSR is utilizing a naming and shaming strategy by publishing unverified accounts in his report without giving due process to the State Party to verify his statements.

(Para 88) On the alleged killing of mining activists, the Philippine National Police has conducted its investigation into the incident and appropriate judicial proceedings will be pursued.

(Para 89) On the statement that "...amounts to a scenario in which a responsibly operated open-pit mine of such large scale does not seem feasible. Philippine government authorities bear the major responsibility for this fragile situation in the Tampakan area,", it should be noted that mining operations will not commence pending the FPIC process. The report is pure speculation.

(Para 90) It is recommended that the UNSR study the situation further before making sweeping generalizations.

(Para 91) Noted.

(Para 92) The State is committed in having a responsive and reliable IDP Law. The proposed IDP law is part of the transition report that the present administration will endorse as a top priority to the next administration.

(Para 93) Please see comments in Paragraph No. 78,

(Para 94) Ninety-five percent (95%) of all commitments and pledges were divested to UN agencies; only 5% was downloaded to the Philippine government.

(Para 99) The Philippines appreciates the recommendations of the UNSR and assures that the Philippine Government will continue to address issues faced by IDPs.

(Para 110) It must be noted that the Philippines, through DSWD, conducts consultation processes with the IDPs and that safety is the primary concern.

(Para 112) The Philippines, through DSWD, stated that Administrative Order No. 9, series of 2014- "Guidelines in the Implementation of Temporary Shelter Assistance and Prioritization of Victims of Disaster/Internally Displaced Persons Thereto" was created in order to provide assistance to legitimate beneficiaries. The Disaster Assistance Family Access Card (DAFAC) is a documentation tool in a form of card issued to disaster victims and IDPs indicating the general information of the family head and its members from which the family profiling and master listing are based upon and the assistance provided or availed of by the Department, local governments units and non-government partners.

(Para 118)The Philippines declares ancestral domains as sacred grounds/domains of peace.

(Para 119) Where the UN SR report recommends finding a rapid and peaceful solution that includes the demands of the IPs in the Haran Center, the Philippines, through the NCIP, recommends that the UNSR look further than the Haran issue and take into consideration communities who have chosen to remain in their ancestral domains

It must also be noted that UCCP Haran has not been cooperating with the national offices of the Department of Social Welfare and Development and the Bureau of Fire Protection,as both agencies have not been able to enter the compound.

(Para 120) on the recommendation on having full consultation with the IPs, it should be noted that all the attempts to consult with the IPs were executed through theIP leaders.

(Para 122) Regarding development projects, the government maintains that development projects undergo a rigorous evaluation process cognizant of a human rights based approach with the goal of maintaining inclusivity.

(Para 128) The Philippines notes that while assistance from the international community is welcome, said aid should be done in accordance with requests from the Philippine government.